

Sub 13-1001

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undeformed state, said element being in said deformed state when retaining said prosthesis in said body passage]; and

a second section axially aligned with said first section, said second section including a [second] resiliently deformable [substantially] second annular [resilient] element, said second [resilient] annular element of said second section adapted to communicate with and resiliently engage an internal surface of said non-resilient first tubular graft of said first section [at a selected location] so as to adjustably fix the second section within the first tubular graft [define a resulting length of the prosthesis]

Please cancel claims 4, 18, 27, 29-31, and 52-62.

Claim 35, line 4, delete "substantially."

Remarks

Entry of this amendment is respectfully requested in view of the fact that it simplifies issues for appeal, and/or places the application in condition for allowance. For example, claim 1 has been modified to include the subject matter of former dependent claim 4. Claims 4, 18, 27, 29-31, and 52-62 have been cancelled. Claim 18 and 27, indicated as covering allowable subject matter, have been placed in independent form as claims 12 and 21.

Some confusion remains with respect to claims 50 and 51. They were omitted from consideration in both the restriction requirement in the first office action and the final office action. Thus, at the very least, the final rejection is premature (unless claims 50 and 51 are allowed).

Claim 1 and Its Dependent Claims

With respect to the rejection of former dependent claim 4, now independent claim 1, only two references were applied and both were applied only under section 102.

None of these references disclose an overlapping set of windings as set forth in claim 1 such that the windings themselves form a bundle. All the cited references use single strands of wire which are spread over the length of the prosthesis. The Applicant instead forms a plurality of windings into a bundle as set forth in amended claim 1.

An advantage of the multiple coils of wire, in some embodiments, is that the tradeoff between achieving the minimum bending diameter and maximum spring force can be optimized. See Specification at page 8, line 30 through page 9, line 23.

#### Claim 12 and Its Dependent Claims

Claim 12 has been amended to include the subject matter of former dependent claim 18 which the Examiner indicated would be allowable if the Section 112 objections were overcome. For the reasons set forth below, the Section 112 rejections have been overcome.

#### Claim 21 and Its Dependent Claims

Similarly claim 21 has been amended to include the subject matter of former dependent claim 28 (indicated to cover allowable subject matter) and is therefore in condition for allowance subject to overcoming the Section 112 objection. Again it is respectfully submitted that the 112 objection has been overcome as explained below.

#### Claim 32 and Its Dependent Claims

Claim 32 calls for a pair of tubular sections, one of which internally resiliently engages the non-resilient graft of the other. The Porter patent sections are both the same and thus one resilient section can not resiliently expand to engage a non-resilient section so as to fix itself internally in the non-resilient section.

#### Claim 47 and Its Dependent Claims

The rejection of claim 47 based on Quijano is under Section 102. Quijano does not teach a prosthetic heart valve. Quijano uses a natural heart valve. Thus, he does not teach a graft attached to a prosthetic heart valve.

Also, the Applicant disputes the assertion that the Quijano reference teaches a ring arranged to connect the graft to the ascending aorta, as claimed. Absolutely no structure is taught for this purpose.

#### Response to the Section 112 objections

With respect to claims 1, 12, 21, 32 and 35, the limitations relating to body passage diameter and the term "substantially" have been removed. Therefore, the Section 112 objections have been cured. Of course, this amendment does not in any way suggest that the claim scope is so limited as to exclude "substantially" annular devices.

Refusal to Consider Foreign Language References

The requirement that the Applicant provide an explanation of the relevance of the foreign language art to the claims is contrary to MPEP 609. An applicant is only required to give a concise explanation of the reference so far as the Applicant understands the relevance.

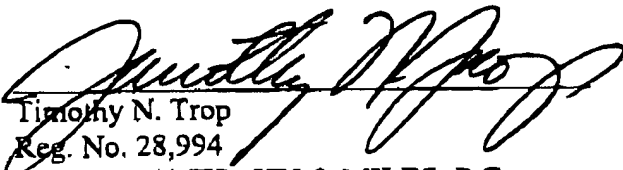
No translations are available. The references were cited in a foreign counterpart. The substance of the foreign search report is included in the April 23, 1998, Information Disclosure Statement. Thus, the only relevance that the Applicant understands is included in the Information Disclosure Statement and therefore the references should be considered.

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In view of these remarks the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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